

PLANNING COMMISSION

ACTION MINUTES

TUESDAY, DECEMBER 4, 2001

Chair Parsons called the meeting to order at 7:04 p.m. at the Twin Pines Senior and Community Center.

ROLL CALL:

Present, Commissioners: Parsons, Torre, Petersen, Feierbach

Absent, Commissioners: Mathewson, Wiecha, Gibson

Present, Staff: Community Development Director Ewing (CDD), Principal Planner de Melo (PP), City Attorney Savaree(CA), Recording Secretary Flores, (RS).

AGENDA STUDY SESSION:

PP de Melo informed the Commission that the Public Hearing for Item 7A, a Conditional Use Permit and Floor Area Exception at 2646 Ponce Avenue, will be continued to a date uncertain.

AGENDA AMENDMENTS: None

COMMUNITY FORUM (Public Comments): None

CONSENT CALENDAR:

Minutes for November 7, 2001

MOTION: By Commissioner Torre, seconded by Commissioner Petersen, to approve the Minutes of November 7, 2001, as previously corrected.

Ayes: Torre, Petersen, Feierbach, Parsons

Noes: None

Absent: Mathewson, Wiecha, Gibson

Motion passed 4/0/3

STUDY SESSION: None

PUBLIC HEARINGS:

Public Hearing – 2646 Ponce Avenue: To consider a Conditional Use Permit and Floor Area Exception to allow legalization of an existing secondary dwelling unit. The existing secondary dwelling unit located on the lower floor will be reduced in square footage to meet maximum size requirements. Legalization of the improvements will increase the size of the building to 3,929 square feet in a zoning district that permits 2,826 square feet for this building. (Appl. No. 01-0361); APN: 044-241-590; Zoned: R1-B (Single-Family Residential); CEQA Status: Exempt; Peter and Sylvia Kentera, Applicant/Owner

MOTION: By Commissioner Petersen, seconded by Commissioner Feierbach, to continue this item to a date uncertain.

Ayes: Parsons, Feierbach, Torre, Petersen

Noes: None

Absent: Mathewson, Wiecha, Gibson

Motion passed 4/0/3

Public Hearing – 1870 Ralston Avenue: To consider a Conditional Use Permit and Design Review to install a Metro PCS Wireless communication facility within Barrett Community Park. The proposal consists of the installation of a 40-foot-high stealth flagpole with three panel antennas and an equipment cabinet area to accommodate a Metro PCS equipment/base transceiver station (BTS). (Appl. No. 01-0129); APN 044-312-310; Zoned: SC (Schools and Compatible Uses); CEQA Status: Exempt; Tetra Tech, for Metro PCS, Applicant; City of Belmont, Owner.

PP de Melo summarized the staff report, recommending approval.

As a result of discussions with the Director of Parks and Recreation, Chair Parsons suggested the inclusion of the addition of one Sequoia redwood tree, to provide additional screening from the adjacent property.

Peter Clement, representing Tetra Tech, stated that he had been working with the Parks and Recreation Commission, which had requested a lighted flagpole, and that there is no problem with the landscaping requests. He added that the antennas will be inside the flagpole so that there is no raising and lowering mechanism.

Chair Parsons opened the public hearing. No one came forward to speak.

MOTION: By Commissioner Petersen, seconded by Commissioner Torre, to close the Public Hearing. Motion passed.

Responding to Commissioner Petersen's concern regarding the cumulative health impacts of these facilities, PP de Melo stated that the maximum exposure is at 3% of a maximum allowable of 100%, even if all of the antennas were operating at the same time.

Responding to Commissioner Feierbach's question regarding the rights of the applicant in the event of a change in use of the property on which these antennas are located, CA Savaree stated that the continuation of the antenna would probably be dealt with privately through the sale of the property; i.e., the new owner would have an option to change it if they chose to do so.

MOTION: By Commissioner Torre, seconded by Commissioner Petersen, to adopt the resolution approving a Conditional Use Permit and Design Review to a wireless communication facility at 1870 Ralston Avenue, with conditions as attached as Exhibit A and addition of conditions regarding screening of the box and the addition of one redwood tree.

Ayes: Torre, Petersen, Feierbach, Parsons

Noes: None

Absent: Mathewson, Wiecha, Gibson

Motion passed 4/0/3

Chair Parsons announced that the item may be appealed to the City Council within ten days.

Public Hearing – 192 Oxford Way: To consider a Conditional Use Permit and Single-Family Design Review application to remodel and add a 1,068 square-foot second story to the existing 2,131 square-foot residence for a total of 3,199 square feet in a zoning district that permits 3,500 square feet. (Appl. No. 01-0122); Zoning: PD (Planned Development); APN: 040-381-010; CEQA Status: Exempt; Sunil and Ulka Mohan, Applicant/Owner

PP de Melo summarized the staff report, recommending approval.

Chair Parsons stated for the record that a Belmont Ordinance requires that the parking area in front of the garage be only as wide as required to support the garage, and that the garage should be accessible for vehicles.

The applicant was available to answer questions from the Commission. Responding to comments from Commissioners Feierbach and Parsons regarding grassy strips and pavement adjacent to the driveway, PP de Melo stated that parking is not allowed by code in paved portions other than the driveway.

Ulka Mohan, applicant, thanked staff for their assistance on the project.

Chair Parsons opened the public hearing. No one came forward to speak.

MOTION: By Commissioner Petersen, seconded by Commissioner Feierbach, to close the Public Hearing. Motion passed.

MOTION: By Commissioner Feierbach, seconded by Commissioner Petersen, to adopt the resolution approving a Conditional Use Permit and Single-Family Design Review with the conditions as attached, and an additional condition for the applicant to remove the paved area to the left of the driveway apron and replace with landscaping. The applicant shall delineate this site plan modification on landscape plans to be reviewed by the Community Development as part of the building permit submittal for the project.

Ayes: Feierbach, Petersen, Torre, Parsons

Noes: None

Absent: Mathewson, Wiecha, Gibson

Motion passed 4/0/3

Chair Parsons announced that this item may be appealed to the City Council within ten days.

Public Hearing – 917 Anita Avenue: To consider a Single-Family Design Review to remodel and add 125 square feet to the first floor and a new 795 square-foot second-story to the existing 2,508 square-foot residence for a total of 3,428 square feet in a zoning district that permits 3,500 square feet. (Appl. No. 01-0354); APN: 044-142-390; Zoned: R-1B (Single-Family Residential); CEQA Status: Exempt; Michael Yantos, Applicant; Cheryl Novak and Danny Cox, Owners

PP de Melo summarized the staff report, recommending approval.

Michael Yantos, applicant/architect, and the owner were available to answer any questions the Commission might have.

Chair Parsons opened the public hearing. No one came forward to speak.

MOTION: By Commissioner Torre, seconded by Commissioner Petersen, to close the Public Hearing. Motion passed.

MOTION: By Commissioner Torre, seconded by Commissioner Petersen, to adopt the resolution approving a Single-Family Design Review with the conditions as attached.

Ayes: Torre, Petersen, Feierbach, Parsons

Noes: None

Absent: Mathewson, Wiecha, Gibson

Motion passed 4/0/3

Chair Parsons announced that this item may be appealed to the City Council within ten days.

Public Hearing – 1832 Oak Knoll Drive: To consider a Single-Family Design Review and Tree Removal Permit application to remove portions of an existing carport and rear deck that encroach onto adjoining private property. The proposal also includes removal of two protected trees adjacent to the carport and construction of a new 1,150 square-foot garage that will increase the size of the residence to 3,413 square feet in a zoning district that permits 3,500 square feet. (Appl. No. 01-0355); APN: 044-064-170; Zoning: R-1B (Single-Family Residential); CEQA Status: Exempt; Mitchell and Pavia Thurston, Applicant/Owner

PP de Melo summarized the staff report, recommending approval.

Responding to Chair Parson's question regarding code requirements for this project, PP de Melo stated that the requirement is for a two-car garage with a 20' x 20' minimum interior dimension as well as a driveway that is at least 18' long.

Mitchell Thurston, owner, stated that when they bought the house three years previously, it was not disclosed that the existing five-car garage was built over the rear property line, and that it has taken until now to arrive at a solution. They have taken it upon themselves to take down the encroaching fence, deck and carport and rebuild with something that will only partially replace what they presently have. He added that the lot is pie shaped with space for only one car in front of the house and that, other than the garage and the single driveway going down to the garage, there is no other space to park cars. They have spent three years dealing with the sellers and brokers, and part of agreement is that they cannot disclose the amount of the compensation nor the identity of the broker.

Chair Parsons opened the public hearing.

David Ping, 1937 Hillman Avenue, owner of one of the properties encroached upon, stated that there is an easement for the deck on his property. It is his understanding that the agreement is that once the life of the deck has been diminished and needs to be replaced, it will be moved off of his property.

Bruce Ambrose, 1935 Hillman Avenue, stated that there is a considerable amount of decking and garage on his property, and he is hopeful that it will all be removed. He added that the Thurstons bought a house with a five-car garage, and he supports allowing them to have at least a three-car garage. He feels that there are plenty of trees to cover it from his point of view down the hill.

MOTION: By Commissioner Petersen, seconded by Commissioner Feierbach, to close the Public Hearing. Motion passed.

Discussion followed regarding possible measures that could be taken to preserve the health of the one remaining oak tree. Suggestions included changing the dimensions of the garage and/or pushing it back so it is not so close to the tree and reducing the size of the parapet from 14 feet to 10 feet. The applicant responded that a smaller garage would not provide adequate parking or maneuvering space for his full-size

truck, and that the reason they chose the 14' parapet was to hide the view of the tar and gravel roof top from the street view. Commissioner Torre felt that the Commission would be foolish not to accept the three-car garage.

MOTION: By Commissioner Torre, to adopt the resolution approving a Single-Family Design Review and Tree Removal Permit with conditions as attached, with the garage doors to remain as they are. Staff will work with applicant regarding removal of pavement around tree.

CDD Ewing confirmed that, by leaving it to staff's judgment, staff will work on balancing removal of as much asphalt as makes sense and still providing adequate access to the garage, wherever it is located.

Motion failed for lack of a second.

MOTION: By Chair Parsons, seconded by Commissioner Feierbach, to adopt the resolution approving the Single-Family Design Review and Tree Removal Permit with the conditions attached and with the added provision that the applicant shall shift the proposed garage door a minimum of one foot closer to the existing residence and delineate this modification on plans to be submitted for building permits. The building permit plans shall also indicate removal of asphalt surrounding the existing 33" oak adjacent to the garage and replacement with a permeable surface (i.e. river rock/stones).

Ayes: Parsons, Petersen, Feierbach

Noes: Torre

Absent: Mathewson, Wiecha, Gibson

Motion passed 3/1/3

Chair Parsons announced that this item may be appealed to the City Council within ten days.

NEW BUSINESS: None

REPORTS, STUDIES, UPDATES, AND COMMENTS

CDD Ewing stated that 1) he has been working on lot merger studies, and reminded the Commission that on the 11th and 12th of December the Council will hold public hearings on the appeals of 23 lot mergers, and 2) Planning staff is responsible for getting the trees replaced at the U-Haul site.

Chair Parsons asked staff to determine if there is a tree fund account set up that does not get robbed for other City issues. CDD Ewing stated that staff will report back to the Commission on this question.

PP de Melo informed the Commission that there is only one item scheduled for the December 18th agenda, and no items proposed for January 2nd. The meeting of January 2nd will, therefore, be cancelled. CDD Ewing proposed taking the opportunity of using the December 18th meeting for a preliminary discussion on the upcoming hillside policy.

Commissioner Torre stated that she will not be able to attend the next City Council meeting. CDD Ewing agreed to supply her with a video of that meeting.

Chair Parsons asked that copies of the Council packets on the lot merger study be made available to the Commission, with the attachments. CDD Ewing responded that he might have a logistical problem since staff reports with exhibits are approaching about 200 pages; however, he will provide them with the staff report and the exhibits will be available in his office.

Chair Parsons stated for the record that he and Commissioner Mathewson had recently toured the Peninsula Regent facility.

ADJOURNMENT:

The meeting adjourned at 8:22 p.m. to a regular meeting on December 18, 2001 at 7:00 p.m. at Twin Pines Senior and Community Center.

Craig A. Ewing, AICP

Planning Commission Secretary

*Audiotapes of Planning Commission Meetings are available for review
in the Community Development Department.*

Please call (650) 595-7416 to schedule an appointment